

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In Re: ) Bankruptcy No. 08-10655  
ANDRIUS AUGUNAS ) Honorable Pamela S. Hollis  
 ) Chapter 7  
 )  
Debtor. ) Hearing Date: December 17, 2009  
 ) Hearing Time: 10:00 a.m.

**NOTICE OF MOTION**

To: \*U.S. Trustee, William T. Neary.  
See Attached Service List

PLEASE TAKE NOTICE that on Thursday, December 17, 2009, at 10:00 a.m., we will appear before the Honorable Pamela S. Hollis, Courtroom 644, United States Bankruptcy Court, 219 S. Dearborn Street, Chicago, Illinois, and then and there present **Trustee's Motion to Authorize the Sale of Diamond Ring**, a copy of which is attached hereto and served upon you herewith.

Dated: November 24, 2009

/s/ David P. Leibowitz  
Chapter 7 Trustee

**Certificate of Service**

On November 24, 2009, the undersigned, certifies that on this date, she caused a copy of the above document to be served upon each person shown on the within Notice, by United States Mail, with postage prepaid, at Waukegan, Illinois. Those marked with an \* were served via electronic service.

/s/Virginia Elliott  
Paralegal

David P. Leibowitz (Attorney ID 1612271)  
Lakelaw  
420 W. Clayton Street  
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847.249.9100

	Chicago Avenue Pointe VI Condo Association/X 700 W Grand Ave Suite C1 Chicago, IL 60654-5095	U.S. Bankruptcy Court Eastern Division 219 S Dearborn 7th Floor Chicago, IL 60604-1702
200 West Madison, LLC. Daniel Almer Tishman Speyer 200 West Madison St., Suite 1130 Chicago, IL 60606-3597	2100 S. Indiana Development Group c/o 1171 Lindenwood Dr. Winnetka, IL 60093	2300 S. Michigan Development Group 1 E Wacker Drive, Suite 3100 Chicago, IL 60601-1920
2800 W. Chicago Development Group c/o 1171 Lindenwood Dr. Winnetka, IL 60093	Alexei Doubovik 270 East Pearson, #1402 Chicago, IL 60611-2696	American Chartered Bank 932 W. Randolph St. Chicago, IL 60607-2219
American Express 777 American Expressway Fort Lauderdale, FL 33337-0002	American Express Cardmember Information Services P.O. Box 981527 El Paso, TX 79998-1527	American Express Customer Service P.O. Box 297804 Fort Lauderdale, FL 33329-7804
American Express P.O. Box 297812 Fort Lauderdale, FL 33329-7812	American Express Bank FSB c o Becket and Lee LLP POB 3001 Malvern PA 19355-0701	American Express Centurion Bank c o Becket and Lee LLP POB 3001 Malvern PA 19355-0701
Ariel Weissberg Esq. 401 S. LaSalle St. Ste. 403 Chicago, IL 60605-1079	Athanasopoulos/Marinakis c/o Robert Habib 77 W. Washington Suite 411 Chicago, IL 60602-3325	Avalon Development Group, LLC c/o 1171 Lindenwood Dr. Winnetka, IL 60093-3721
Bank of America P.O. Box 15480 Wilmington, DE 19850-5480	Bank of America P.O. Box 2463 Spokane, WA 99210-2463	Bank of America P.O. Box 53101 Phoenix, AZ 85072-3101
Barack Ferrazzano Kirschbaum, et al Attn: Howard Nagelberg 200 W. Madison, Suite 3900 Chicago, IL 60606-3459	(c)BURKE, BURNS & PINELLI, LTD. ATTN: MARY ANN MURRAY 70 W MADISON ST STE 4300 CHICAGO IL 60602-4229	CHASE BANK USA C O WEINSTEIN AND RILEY, PS 2001 WESTERN AVENUE, STE 400 SEATTLE, WA 98121-3132
CHASE BANK USA, NA PO BOX 15145 WILMINGTON, DE 19850-5145	Chase P.O. Box 15298 Wilmington, DE 19850-5298	Citi Cards P.O. Box 6000 The Lakes, NV 89163-0001
Codilis & Associates Ref: 14-08-06364 15W030 N. Frontage Rd., Ste. 100 Burr Ridge, IL 60527-6921	Countywide Home Loans, Inc. (p) MSN 314B P.O. Box 5170 Simi Valley, CA 93062-5170	Crowley Barrett & Karaba, Ltd. Attn: Tonya Parravano 20 S. Clark St., Ste. 2310 Chicago, IL 60603-1806

EREF Mezzanine Fund, LLC  
Attn: Michael W. Husman  
1200 N. Ashland Ave., Ste. 600  
Chicago, IL 60622-8311

EREF Mezzanine Fund, LLC  
c/o William Choslovsky  
DLA Piper US LLP  
203 N. LaSalle St., Suite 1900  
Chicago, IL 60601-1263

East Bank Club  
500 N. Kingsbury Street  
Chicago, IL 60654-5799

Edita Auguniene  
1171 Lindenwood Dr.  
Winnetka, IL 60093-3721

FIA CARD SERVICES, N.A./BANK OF AMERICA  
by American InfoSource L.P. as its agent  
4515 N Santa Fe Ave  
Oklahoma City, OK 73118-7901

Fifth Third Bank  
P.O. Box 630412  
Cincinnati, OH 45263-0412

First DuPage Bank  
c/o William Serritella  
33 North Wabash Ste 1700  
Chicago, IL 60602

First Dupage Bank  
Attn: Loan Department  
520 North Cass Avenue  
Westmont, IL 60559-1500

Flagstar Bank  
Mail Stop S-115-3  
5151 Corporate Dr.  
Troy, MI 48098-2639

HSBC Bank, USA  
c/o O'Malley & Madden, P.C.  
542 S. Dearborn St., Ste. 660  
Chicago, IL 60605-1508

Hamilton Equity Group LLC  
Laurie A France  
Po Box 201  
Buffalo, NY 14201-0201

Illinois Department of Revenue Bankruptcy Se  
P.O. Box 64338  
Chicago, IL 60664-0338

IndyMac Bank, F.S.B.  
Attn: Homebuilder Division  
155 North Lake Avenue, LK11-19  
Pasadena, CA 91101-1812

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 21126  
PHILADELPHIA PA 19114-0326

Jackson Avenue Heights, LLC  
c/o 1171 Lindenwood Dr.  
Winnetka, IL 60093-3721

Kenig, Lindgren, O'Hara, Aboona, Inc.  
9575 W. Higgins Road, Suite 400  
Rosemont, IL 60018-4915

Lippitz Orthodontics  
7070 N. Western Ave.  
Chicago, IL 60645-3467

MB Financial Bank, N.A.  
6111 North River Road  
Rosemont, IL 60018-5158

MB Financial Bank, NA  
6111 N. River Road, 9th Floor  
Rosemont, IL 60018-5158

MasterCall Communications  
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New York, NY 10004-3836

Mercedes-Benz Financial  
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6716 Grade Ln., Bldg 9, Ste. 910  
Louisville, KY 40213-3410

Mercedes-Benz Financial  
P.O. Box 9001886  
Louisville, KY 40290-1886

Neiman Marcus  
P.O. Box 720848  
Dallas, TX 75372-0848

Northside Community Bank  
Attn: Ms. Courtney A. Clausen  
1155 Milwaukee Ave.  
Riverwoods, IL 60015-3515

Northside Community Bank  
c/o Kalchein Haber, LLP/J. Ross  
134 N. LaSalle St., Ste. 2100  
Chicago, IL 60602-1124

PYOD LLC its successors and assigns as assignee  
Citibank  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Peter Wall  
Petacque & Wall, LLC  
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Rokas International, Inc.  
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Winnetka, IL 60093-3721

Saks Fifth Avenue Credit Card Inqui  
P.O. Box 10327  
Jackson, MS 39289-0327

Sedgwick Properties Dev. Corp.  
1525 W. Homer St., Ste. 401  
Chicago, IL 60642-1296

Sedgwick Properties Dev. Corp.  
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Soloventure, Inc.  
c/o David Cohen  
55 West Madison St, Ste 600  
Chicago, IL 60602

VSOP Management and Investments  
c/o Ariel Weisberg  
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Chicago, IL 60605-1079

VSOP Management and Investments, Inc.  
601 Skokie Blvd., Suite 503  
Northbrook, IL 60062-2821

Washington Mutual Bank  
Loss Mitigation Department  
7255 Baymeadows Way  
Jacksonville, FL 32256-6851

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401 S. LaSalle St., Ste. 403  
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Northbrook, IL 60062-7934

Zev Karkomi  
Two North LaSalle St., Ste. 725  
Chicago, IL 60602-4047

Andrius Augunas  
Laisves al. 38a-14, 3000 Kaunas  
Lithuania

Michael L Ralph Sr  
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175 E Hawthorn Pkwy Ste 345  
Vernon Hills, IL 60061-1460

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>In Re:</b> <b>ANDRIUS AUGUNAS</b>	)	<b>Bankruptcy No. 08-10655</b>
	)	<b>Honorable Pamela S. Hollis</b>
	)	<b>Chapter 7</b>
	)	
<b>Debtor.</b>	)	<b>Hearing Date: December 17, 2009</b>
	)	<b>Hearing Time: 10:00 a.m.</b>

**MOTION TO AUTHORIZE THE SALE OF DIAMOND RING**

NOW COMES DAVID P. LEIBOWITZ, Chapter 7 Trustee for the Bankruptcy Estate of Andrius Augunas, ("Debtor"), herein, and respectfully requests that this Honorable Court enter an order authorizing the Trustee to sell Trustee's interest in a Diamond Ring property of the estate through Finer Jewelry, Inc. pursuant to Bankruptcy Code § 363 (b). In support thereof, Trustee states as follows:

1. Debtor filed his voluntary petition for relief under Chapter 7 on April 29, 2008. David P. Leibowitz was appointed Chapter 7 Trustee for the Estate of Andrius Augunas on that date and no Trustee was elected, thus David P. Leibowitz is the permanent Trustee in this case.

2. On May 22, 2008 the first meeting of creditors according to Section 341 of the Bankruptcy Code was continued to June 12, 2008.

3. On June 12, 2008 the continued first meeting of creditors was held and the Debtor was present.

4. Among the assets of this Estate is a 5.49 carat Round Brilliant Cut Diamond VS<sub>2</sub> Clarity, K Color, and ring with small diamonds, which Trustee has determined to have an approximate retail value of \$65,000.00. Trustee has informally marketed the ring with the assistance of jewelry broker Atalie Finer for more than 8 months. Trustee with the assistance of Atalie Finer

has now received an offer to purchase the ring for \$47,000.00 (see Exhibit A) from an undisclosed buyer who wishes to remain anonymous, less commission and expenses (see Exhibit B) totaling as follows:

Buyer's Offer	\$ 47,000.00
Commission to Finer Jewelry, Inc.	(\$4,700.00)
GIA certificate for the 5.9 ct. stone	(\$ 472.00)
Shipping ring to GIA through Brinks	(\$ 75.30)
Balance due to estate	<u>\$ 41,752.70</u>

WHEREFORE, Trustee requests that he be authorized to sell the 5.49 carat Round Brilliant Cut Diamond VS<sub>2</sub> Clarity, K Color, and ring with small diamonds through Finer Jewelry, Inc. to an undisclosed buyer who wishes to remain anonymous, for the amount of \$47,000.00 minus commission and costs as noted and for such other and further relief as is just.

Respectfully submitted,

/s/David P. Leibowitz  
Chapter 7 Trustee

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